

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOE HAND PROMOTIONS, INC.,

Plaintiff,

-against-

JULIO LIZARDO, et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/25/2021

20-cv-06593 (MKV)

DEFAULT JUDGMENT

MARY KAY VYSKOCIL, United States District Judge:

Upon consideration of Plaintiff's Motion for Final Default Judgment ("Motion") [ECF No. 22], the accompanying Declaration of Jon D. Jekielek [ECF No. 22-1] thereof and supporting evidence submitted therewith, the pleadings on file and the relevant authorities, and upon the hearing on the Motion held on August 25, 2021 pursuant to the Order to Show Cause issued by the Court on July 13, 2021 [ECF No. 23] the Court concludes that Plaintiff has established that it is an aggrieved party under the Federal Communications Act, 47 U.S.C. §§ 553 and 605 and recognizes Plaintiff's election to seek statutory damages. The Court also concludes that it has jurisdiction over the subject matter and parties to this action; that as reflected in the Clerk's Certificate of Default [ECF Nos. 19-20], Defendants, Julio LizarDO, individually, and as an officer, director, shareholder, member and/or principal of J&H Restaurant Associates Inc. d/b/a Viva Tapas Bar & Lounge, and J&H Restaurant Associates Inc. d/b/a Viva Tapas Bar & Lounge, (hereinafter "Defendants") failed to answer or otherwise defend as provided by the Federal Rules of Civil Procedure following proper service [see ECF No. 10]; that the allegations in Plaintiff's Original Complaint are deemed admitted against Defendants; that Defendants exhibited the closed circuit, Floyd Mayweather, Jr. vs. Conor McGregor broadcast, including all undercard bouts and commentary, on August 26, 2017, without

authorization from Plaintiff; and that Defendants' actions were willful and for purposes of direct or indirect commercial advantage or private financial gain and therefore, additional damages are warranted in this action.

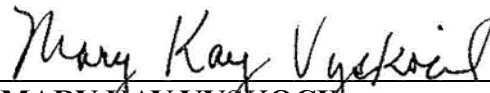
IT IS THEREFORE ORDERED THAT:

1. Judgment by default be entered in favor of Plaintiff and against Defendants, Julio Lizardo and J&H Restaurant Associates Inc. d/b/a Viva Tapas Bar & Lounge.
2. Plaintiff recover statutory damages pursuant to 47 U.S.C. § 605(e)(3)(C)(i)(II) from Defendants in the amount of \$8,200.00.
3. Plaintiff recover additional damages pursuant to 47 U.S.C. § 605(e)(3)(C)(ii) from Defendants in the amount of \$16,400.
4. Plaintiff recover attorneys' fees pursuant to 47 U.S.C. § 605(e)(3)(B)(iii) from Defendants in the amount of \$2,280.00.
5. Plaintiff recover costs in the amount of \$545.00 relating to the prosecution of this matter.
6. Court also awards Plaintiff court costs and post-judgment interest on the amounts awarded herein at the statutory rate from the date of this Judgment until paid.
7. This judgment is a final judgment.

The Clerk of the Court respectfully is requested to close the Motion at ECF No. 22, enter judgment and terminate the case.

SO ORDERED.

Date: August 25, 2021
New York, NY


MARY KAY VYSKOCIL
United States District Judge